

**VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY**

INITIATED: Applicant

DATE: June 19, 2001

RECOMMENDATION FROM: Plan Commission

FILE REF: 1059

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

RESOLUTION

Motion to adopt "A RESOLUTION APPROVING THE PRELIMINARY PLAT OF SUBDIVISION FOR BOUNDARY HILL SUBDIVISION", as presented.

SUMMARY OF ITEM:

03

At their meeting of May 1, 2001 the Plan Commission unanimously recommended approval of the Preliminary Plat of subdivision for Boundary Hill Subdivision and that exceptions be approved as regards roadway improvements on Boundary Road and Lot Depth for lots 1 through 5.

RECORD OF ACTION TAKEN:

RESOLUTION _____

**A RESOLUTION APPROVING THE PRELIMINARY PLAT OF
SUBDIVISION FOR BOUNDARY HILL SUBDIVISION**

WHEREAS, application has been made pursuant to the provisions of Chapter 20 of the Downers Grove Municipal Code for Preliminary Plat approval for the property commonly known Boundary Hill Subdivision located at 6103 Lee Avenue, Downers Grove Illinois; and,

WHEREAS, notice has been given and a hearing held regarding this plat application pursuant to the requirement of the Downers Grove Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Downers Grove that the Preliminary Plat of subdivision of Boundary Hill Subdivision, be and is hereby approved subject to the following conditions:

1. The subdivision shall be in accordance with the Plat entitled "Preliminary Plat - Boundary Hill Subdivision" dated March, 2001, reduced copy attached.

2. Except as provided herein, the Boundary Hill Subdivision shall be subject to the conditions and recommendations of the Plan Commission as set forth in their findings dated May 21, 2001 (Copy attached as Exhibit 2); as set forth in the minutes of the meeting of the Plan Commission on May 1, 2001; and as set forth in the Staff Report (Copy Attached as Exhibit 3).

3. An exception from the lot depth requirements for Lots 1 through 5 is granted as shown on the Preliminary Plat and as outlined in the Staff Report.

4. An exception is granted from the public improvement requirements for Boundary Road as outlined in the Staff Report.

BE IT FURTHER RESOLVED, that the Mayor and Village Clerk are authorized to sign the Preliminary Plat.

BE IT FURTHER RESOLVED, that this resolution shall be in full force and effect from and after its adoption in the manner provided by law.

Mayor

Passed:

Attest: _____
Village Clerk



May 21, 2001

Village of
DOWNERS GROVE
ILLINOIS

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Illinois 60515-4776
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1015 Curtiss Street
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*Fire Department
Administration*
3900 Highland Avenue
Downers Grove
Illinois 60515-1506
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Police Department
825 Burlington Avenue
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Public Works Department
5101 Walnut Avenue
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Illinois 60515-4074
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Social & Health Services*
842 Curtiss Street
Downers Grove
Illinois 60515-4776
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Downers Grove Web site*
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630.434.6800

Mayor Brian Krajewski & Village Council
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

**FILE NO. 1059 TENTATIVE PLAT APPROVAL –
BOUNDARY HILL SUBDIVISION;** Property is located southeast of the intersection of Lee Avenue and Boundary Road, commonly known as 6103 Lee Avenue (PIN 09-18-308-004) and 1699 Boundary Road (PIN 09-18-308-003), Downers Grove, Il; Cassandra, William L. and Raymond J. Ponstein, Owners; William L. Ponstein, Petitioner

Dear Mayor Krajewski & Village Council Members:

The following motion was adopted by the Plan Commission at their meeting on May 1, 2001:

MOTION: WITH RESPECT TO FILE NO. 1059 - TENTATIVE PLAT APPROVAL OF THE BOUNDARY HILL SUBDIVISION, MR. MCCORMICK MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR AN EIGHT LOT, SINGLE FAMILY RESIDENTIAL SUBDIVISION INCLUDING A POSITIVE RECOMMENDATION FOR THE REQUESTED LOT DEPTH EXCEPTIONS WHICH ARE MADE NECESSARY DUE TO THE NARROW WIDTH AND TO SOME EXTENT TO THE WEDGE FORM SHAPE OF THE SUBJECT PROPERTY. IN ADDITION, THE PLAN COMMISSION IS ALSO FORWARDING A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE REQUESTED ROADWAY IMPROVEMENT EXCEPTION WHICH IS BROUGHT ABOUT DUE TO THE PUBLIC IMPROVEMENT DEVELOPMENT PATTERN IN THE SURROUNDING AREA. THE PLAN COMMISSION IS MAKING THESE RECOMMENDATIONS AS THE

PETITIONER HAS DESIGNED THE SUBDIVISION TO RESPECT THE VILLAGE'S ZONING AND SUBDIVISION CONTROL ORDINANCES WITHIN THE CONSTRAINTS DICTATED BY THE EXISTING PROPERTY. THE PETITIONER HAS PRESENTED A PLAN THAT PROVIDES FOR ADEQUATE ROADWAY AND OTHER PUBLIC IMPROVEMENTS AND PROVIDES LOTS THAT HAVE AREAS, SHAPES AND DIMENSIONS WHICH WILL SUPPORT REASONABLE SINGLE FAMILY RESIDENCES WITHOUT THE NEED FOR ANY FURTHER EXCEPTIONS OR VARIATIONS IN THE FUTURE MRS. REYNOLDS SECONDED THE MOTION.

ROLL:AYE: Mr. McCormick, Mrs. Reynolds, Mr. Matejczyk, Mr. Waechtler, Chairman Jirik

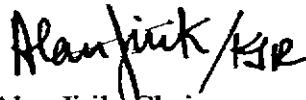
Nay: None

The motion passed unanimously.

This recommendation is being forwarded to the Village Council as the Plan Commission was able to determine that the resulting parcels meet the requirements of

Sincerely,

VILLAGE OF DOWNERS GROVE



Alan Jirik, Chairman
Plan Commission

AJ:amd

BARRIERS AT THE DEAD-END OF 68TH PLACE, THE CONSTRUCTION OF SIDEWALKS ALONG THE DUNHAM ROAD FRONTAGE OF THE SUBJECT PROPERTY AND THE INSTALLATION OF WATER AND SANITARY SEWER SERVICES FOR THE FUTURE RESIDENCES. FINALLY, THIS RECOMMENDATION IS CONTINGENT UPON PAYMENT OF THE APPLICABLE SCHOOL AND PARK DISTRICT DONATIONS BEING PAID. MR.WAECHTLER SECONDED THE MOTION.

Chairman Jirik asked if there were any questions or discussion on the motion. Mr. Waechtler commented that a lot of work and detail has gone into putting this subdivision together and expressed his opinion that it is a very good package.

As there were no further comments or questions, Chairman Jirik called for the vote.

ROLL CALL: AYE: Mrs. Reynolds, Mr. Waechtler, Mr. Matejczyk, Mr. McCormick, Chairman Jirik

NAY: None

The motion passed unanimously.

Chairman Jirik advised those present that the Plan Commission's recommendation to the Village Council will be scheduled sometime in early June. Those wishing to follow this petition as it moves through additional consideration at the Council level should contact Staff for updates.

FILE NO. 1059 TENTATIVE PLAT APPROVAL – BOUNDARY HILL SUBDIVISION; Property is located southeast of the intersection of Lee Avenue and Boundary Road, commonly known as 6103 Lee Avenue (PIN 09-18-308-004) and 1699 Boundary Road (PIN 09-18-308-003), Downers Grove, Il; Cassandra, William L. and Raymond J. Ponstein, Owners; William L. Ponstein, Petitioner

Chairman Jirik asked if there was a representative of the petitioner present.

William L. Ponstein, 6012 Hillcrest Road, Downers Grove, Illinois explained he has an irregularly shaped piece of property that he would like to subdivide into eight parcels. Mr. Ponstein noted currently there are two residential units on this site. Mr. Ponstein said the design of the cul-de-sac was done in order to maintain the privacy of the area as opposed to possibly running Boundary Road through and connecting with 62nd Street and creating a throughway. Mr. Ponstein indicated he is proposing to make full improvements on Boundary Court. Mr. Ponstein noted all the cul-de-sac lots require a depth variation; however, every lot exceeds the required lot area for R-3, single family residential zoning.

With regard to the public improvements along Boundary Road, Mr. Ponstein explained he is asking for a variation, other than putting a sidewalk through to the school, mainly because Boundary Road does not go anywhere. Boundary Road could be extended to 62nd Street if it were fully dedicated. Mr. Ponstein expressed his opinion that making Boundary Road a thoroughfare would not be beneficial to the neighborhood. Mr. Ponstein stated he will be paying all the school and park donations. Mr. Ponstein pointed out that the property is roughly 2.7 acres, and while the engineering at this point is preliminary it has been reviewed by the Village Engineer.

As Staff's presentation, Mr. Rathje explained the petitioner is seeking tentative subdivision plat approval for an eight lot, single family residential subdivision of the subject property which is located generally to the east of Boundary Road at Lee Avenue. Mr. Rathje advised that the subject property is currently unincorporated DuPage County. The petitioner appeared at the April 25, 2001 Zoning Board of Appeals meeting with a pre-annexation zoning petition that sought approval of R-3, single family residential zoning upon annexation. Mr. Rathje explained that the Zoning Board of Appeals unanimously recommended to the Village Council in favor of this proposed rezoning. Mr. Rathje indicated as with the previous petition this subdivision is also being pursued on the basis that it would be contingent upon the property being annexed and rezoned to R-3, single family residential.

Mr. Rathje concurred with Mr. Ponstein that the subject property is a somewhat irregularly shaped parcel of land. It is primarily wedge shaped and has a frontage on its westerly boundary along Boundary Road of 389.50 feet, a depth of 545.18 feet on the south and 264.05 feet on the north with a width as measured from north to south of 300 feet. The site has an overall area of about 2.75 acres or 119,790 square feet.

Mr. Rathje noted the R-3, single family residential zoning standards have a width standard of 75 feet, an area standard of 10,500 square feet and a lot depth standard of 140 feet.

Mr. Rathje explained the proposed subdivision is to be designed around a 250 foot long cul de sac roadway which has a slightly offset bulb to the southeast.

With respect to the proposed lot sizes, Mr. Rathje stated they will range from 10,575 square feet for proposed Lots 6 and 7 to 15,387 square feet for proposed Lot 4. All of the lots will meet or exceed the minimum 10,500 square foot area standard of the proposed R-3, single family residential zoning district.

Mr. Rathje commented it is interesting to note that the surrounding unincorporated area is zoned County R-4. The County R-4 zoning district has very similar standards to Village R-3. County R-4 has a lot width standard of 75 feet and a slightly smaller lot area requirement at 10,000 square feet. The standards are slightly easier in the County, but what the petitioner is proposing to do is to have a zoning district that would be quite consistent with what the zoning is for the unincorporated properties.

With respect to lot dimensions, Mr. Rathje pointed out there are a number of lot depth variations for which the petitioner is seeking approval. Beginning with proposed Lot 1, the depth of this lot is measured on an east to west axis. It is a corner lot, and for corner lots the depths are measured opposite the narrower of the two street frontages. This lot has a lot depth along its north of 129.39 feet, although along the south and along a good portion of the southerly portion of the property the lot has a depth of 140.36 feet. Proposed Lot 2 has its shallowest line along its northwesterly side of 94.70 feet although the depth along its southeasterly side is 144.35 feet and the lot has at its deepest point given that it is somewhat diagonal as measured from the edge of the cul-de-sac back to the extreme northeasterly corner, a depth of more than 150 feet. Mr. Rathje noted it is a good-sized lot. With respect to proposed Lot 3 that sits at the end of the cul de sac, its shallowest point would be opposite the apex of the cu-de-sac and has a depth at this point of 113 feet. Mr. Rathje pointed out Lot 3 has lot depths along its northerly line of 144 feet and along its southerly line its depth is about 123 feet. With respect to proposed Lot 4, at the shallowest it has a side lot line of 123.27 feet, although the majority of this lot has a depth in excess of 140 feet. With respect to proposed Lot 5 that has a lot depth at the apex of the cul-de-sac of 110 feet, although along its westerly line its depth increases to 141 feet.

Mr. Rathje pointed out that all of the other lots meet the standards for lot width and lot area that would be applicable under the R-3, single family residential zoning district.

With respect to public improvements, Mr. Rathje stated the petitioner's plans propose to make full public improvements for the proposed new roadway referred to on the plat as Boundary Court; a 70 foot wide local street right of way is to be a dedicated, full width right of way pavement of 31 feet back to back of curb, sidewalks on both sides, street trees, storm sewers, etc.

With respect to Boundary Road, Mr. Rathje explained Staff took a very careful look at that issue along with the petitioner. Mr. Rathje advised he had the aerial photo of the area if the Plan Commission members want to examine it. Boundary Road was dedicated with a width of 30 feet, and the neighboring lots were largely developed and built along that line. Staff took a look at the possibility or likelihood of other redevelopment along this section of Boundary Road between 61st and 62nd Street, and Mr. Rathje commented Staff is of the belief that it is not likely that there will be other development in that area which would cause the completion of the full width right of way. Staff also took into account the needs for pedestrians in the area. Mr. Ponstein has filed his petition on the basis that he would be looking to have relief from all other public improvements other than for the improvements to the intersection of Lee and Boundary and other than the construction of sidewalks for the full frontage of the property within the Boundary Road right of way because Boundary Road is a walking path to Indian Trail School. There is pavement within Boundary Road now which serves the homes to the north, but Mr. Ponstein is suggesting that he does not want to provide any additional public improvements beyond that which is existing and beyond the intersection. Mr. Rathje pointed out that an exception request would be reviewed later in his presentation.

With respect to stormwater management for the site, Mr. Rathje advised that Mr. Jungwirth has provided an excellent memorandum that points out the subject property currently has an excellent drainage pattern in the area. The site has an area of about 2.75 acres and, therefore, falls below the three acre threshold that requires on-site stormwater detention under the County based Stormwater Control Ordinance; however, the County Ordinance is also the Village's Ordinance. Mr. Rathje pointed out that the site does not have any issues with flood plain, wetlands or riparian environments, and there are no depressional areas that collect stormwater. Mr. Rathje advised that Mr. Jungwirth has explained to him that the petitioner's drainage plan, although preliminary, is sound and prepared in a manner consistent with the Stormwater Control Ordinance. Mr. Rathje explained basically the plan is, because of the nature of the topography, that including the roadway and the northerly portion of the property as well as some tributary area to the north will be collected within a new storm sewer system which will be extended down Boundary Road to 62nd Street and west via the 62nd Street right of way over to Stonewall. Then the southerly portion of the property will be allowed to sheet flow drain onto the next property to the south. Because of the somewhat difficult means of collecting the water in this area and keeping the yards dry, The plan is to compensate the stormwater detention by collecting more stormwater from the north, directing that stormwater into the storm sewer system and then running that stormwater down a new storm sewer which the petitioner would have to build along Boundary Road down to 62nd Street and over to Stonewall.

Mr. Rathje noted there is a wetland environment to the south of this piece of property so there still will be stormwater that would continue to drain as it always which is important to support and feed the wetlands. Mr. Rathje pointed out that a careful balancing act of controlling stormwater as much as possible and also respecting a wetland environment in the area has been the goal.

Mr. Rathje advised all the engineering is preliminary, and there will be refinement between now and the time the final plat is provided. Both the petitioner and the Village have been doing a very careful balancing act on these two issues.

With respect to the lot depth exceptions from the 140 foot standard for Lots 1 through 5 and with respect to the public improvement exceptions for Boundary Road except for the construction of sidewalks and except for the intersection improvements, the petitioner is seeking relief under provisions of Section 20-602 of the Subdivision Control Ordinance. Section 20-602(a), states that: "...the Plan Commission may consider and recommend and the Council may grant, exceptions from the requirements of this Chapter as set forth herein". Mr. Rathje explained there are a series of five standards and advised that he will first go through the lot depth exceptions and then review the public improvement exceptions.

With respect to the requested lot depth exceptions, the conditions and the Staff's findings are as follows:

(1) THE EXTENT TO WHICH THE PROPOSED EXCEPTION IMPACTS ON THE VALUE OR REASONABLE USE OF SURROUNDING PROPERTIES;

Mr. Rathje advised the lot depth exceptions should not have any negative impact on the use of surrounding properties. The petitioner is obligated to satisfy the same side and rear yard requirements adjacent to the adjoining property lines as he would with or without the proposed lot depth exceptions. There is no relief being sought from the minimum yard requirements regardless of the nature of the lot depth exception.

(2) WHETHER THE EXCEPTION IS CONSISTENT WITH THE TREND OF DEVELOPMENT IN THE AREA AND THE SURROUNDING USES;

Mr. Rathje explained the majority of the immediately surrounded area was subdivided in 1924. Most of those lots were configured in a rectilinear fashion and quite a few of those lots fall into the 50 or 66 foot wide range by upwards of 300 feet in depth. Most of those lots carry that particular lot depth because they were built at a time when there were no sanitary sewers or municipal water available. Some of the more recent subdivisions have included cul de sac streets with associated cul de sac lots. Such development is probably the most reasonable approach given the nature of land use and subdivision trends that have been decided upon in the past. Representatives of lots similar to what is being proposed may be found adjacent to Plymouth Court, Hillcrest Road and Hillcrest Court to the east and southeast of the subject property.

(3) THE CHARACTERISTICS OF THE PROPERTY WHICH SUPPORTS OR MITIGATE AGAINST THE GRANTING OF THE EXCEPTION;

Mr. Rathje advised the primary characteristic of the subject property that has necessitated the requested lot width exception is the relatively narrow 300 foot parcel width. In order to have full depth lots and full width rights of way you would need to have a cross section of around 350 feet. Mr. Rathje noted the petitioner has done an excellent job working within the framework of the parcel to create lots that will be large enough, and have shapes and dimensions that will support reasonable homes on the property. Without these exceptions, the petitioner would be limited to only very deep lots that would have to front on Boundary Road.

(4) WHETHER THE EXCEPTION IS IN CONFORMANCE WITH THE GENERAL PLAN AND SPIRIT OF THIS CHAPTER;

Mr. Rathje noted "This Chapter" refers to the Subdivision Control Ordinance. The size and shape of the lots being proposed will provide a very reasonable platform for construction of sound, single family residences. These lots will be able to support contemporary homes without the need of additional setback variations that the Zoning Board of Appeals would have to consider.

(5) WHETHER THE EXCEPTION WILL ALTER, OR BE CONSISTENT WITH, THE ESSENTIAL CHARACTER OF THE LOCALITY;

Mr. Rathje expressed the belief that the requested depth exceptions, if granted, will not be detrimental to the essential character of the locality. This will be a cul de sac subdivision. There will only be two lots that will have direct frontage on Boundary Road and from the appearance of these lots from the exterior, this subdivision will not draw particular attention to itself as being significantly different. The resulting lots are generally much wider than the majority of other lots in the general area off of Boundary Road and Lee Avenue.

With respect to the roadway right of way and the street improvement exceptions as they would apply to Boundary Road which include but are not limited to right of way widening, pavement reconstruction, curbs, gutter, street lights and street trees, Mr. Rathje advised that the Staff has made the following findings under the requirements for exceptions specified in the Subdivision Control Ordinance as follows:

(1) THE EXTENT TO WHICH THE PROPOSED EXCEPTION IMPACTS ON THE VALUE OR REASONABLE USE OF SURROUNDING PROPERTIES;

Mr. Rathje commented that existing Boundary Road has served this area well. The new subdivision will intersect with Lee Avenue, and Lee is essentially a full width local roadway although it does have country-style roadway improvements similar to the rest of the area. It certainly has the capacity to deal with the amount of traffic that will be generated by six additional homes. Given the nature of the size and shape of the existing lots, the likelihood that additional right of way would ever be dedicated especially from those lots that are on the southeasterly side to the north of the subject property is not likely without rendering those lots significantly less usable. In at least one case, it would require the removal of a home in order to accommodate the additional right of way. To the southerly leg, there is one existing house located just opposite the intersection that will be served via Boundary Road and the other areas off of 62nd Street would front on Stonewall and would be able to get access from Stonewall.

(2) WHETHER THE EXCEPTION IS CONSISTENT WITH THE TREND OF DEVELOPMENT IN THE AREA AND THE SURROUNDING USES;

Mr. Rathje expressed the opinion that this subdivision would be fairly consistent with the trend of development in the area. The full public improvements are being dealt with internal to the site with some consideration being given to how this subdivision will interface with the surrounding area.

(3) THE CHARACTERISTICS OF THE PROPERTY WHICH SUPPORTS OR MITIGATE AGAINST THE GRANTING OF THE EXCEPTION;

Mr. Rathje advised the characteristic of the subject property which supports the requested exception is its location and the character of the surrounding subdivisions, the nature of the public improvements that were required or were not required in the area all tend to support this variation.

(4) WHETHER THE EXCEPTION IS IN CONFORMANCE WITH THE GENERAL PLAN AND SPIRIT OF THIS CHAPTER;

In this situation, Mr. Rathje explained this measure could be satisfied if there was the likelihood of significant additional redevelopment via a subdivision where the Village could expect additional dedication and additional developer-driven public improvements. Mr. Rathje stated if those conditions existed he would be looking for the dedication and the public improvements; however, that is not the case in this area. Staff is trying to deal with a modest-sized subdivision in a much older area and balance the needs of the Village with the existing character of the area.

(5) WHETHER THE EXCEPTION WILL ALTER, OR BE CONSISTENT WITH, THE ESSENTIAL CHARACTER OF THE LOCALITY;

Mr. Rathje indicated Staff is of the opinion that the proposed subdivision with the requested exceptions will maintain the general characteristic of the property quite well and noted this measure has been covered adequately by comments and observations offered under the preceding measures.

Mr. Rathje noted there were a number of neighborhood residents who attended the Zoning Board of Appeals meeting on Wednesday, April 25, 2001. Several people had questions which were more related to the development of the property than to zoning. Zoning Board of Appeals Chairman Beggs told the residents who posed such questions that such questions were best reserved for the Plan Commission.

Mr. Rathje indicated he had jotted down the essential questions and in order to save everyone the necessity of asking the questions again, he would present the questions and answers to the Plan Commission.

The first question was "How will pedestrian traffic be maintained on Boundary Road during the construction and especially during the construction of the sidewalk". Mr. Rathje responded this section of right of way is fully 30 feet wide, and the actual sidewalk construction is five feet wide. Mr. Rathje noted that he spoke with District 58 Superintendent, Dr. Dale Martin, following the Zoning Board of Appeals meeting and informed him that there is a subdivision coming forward, and it anticipates that sidewalks would be constructed within Boundary Road. Dr. Martin indicated he was very pleased to hear that and was sure that a solution could be worked out between the developer and the District in order to maintain a safe walking route during construction. Mr. Rathje noted that will require coordination between the developer and District 58, and he was sure that could take place without much difficulty.

The second question was "How will damage to the local streets be dealt with during the upcoming construction?" Mr. Rathje responded typically local streets adjacent to a subdivision like this do not take a significant amount of damage because of construction vehicles. The petitioner would be required to be bonded during construction. The Public Works Department makes pre-construction and post-construction inspections. If there is any damage that is directly attributable to this construction, the developer will then be held responsible and will have to make corrections or repair to the existing improvements. In the case at hand, where there will be a fair amount of off-site construction including extension of sanitary sewers and storm sewers within Boundary Road and 62nd Street. This construction will be under Village scrutiny, but it will also provide some significant benefit to the surrounding area.

Mr. Rathje noted as much of this area is unincorporated, but it is served by Downers Grove municipal water, one gentleman asked "As additional properties are annexed in the area, will the Village force people to hook onto the Village's water system and force them to disconnect their wells". Mr. Rathje pointed out that matter is really covered under Section 25-52 of the Municipal Code. The Village has no jurisdiction to tell anybody in the unincorporated area that they must or must not disconnect their wells. At the current time, the water mains are there and if people want to hook onto the Village water mains, they can sign a pre-annexation agreement with the Village. What the Village will not allow them to do is to be served both by a well and by the Village water system because we cannot have any contamination of well water into the municipal water system. Mr. Rathje pointed out the Village has many years of experience in dealing with areas that have wells and water mains. When property is within the Village and has a well that fails, it cannot be re-drilled or drilled deeper. At the point when a well fails, if the property is within 250 feet of a water main, that is when the property owner must give up the well, extend the water main if necessary and connect onto the water main.

Mr. Rathje indicated the next question was "Where are sanitary sewers located in the area?" Mr. Rathje stated he called Ted Cherwak, assistant director of the Downers Grove Sanitary District, and found out that there are sanitary sewers in Stonewall from 63rd Street north to just south of 61st Street. Mr. Rathje noted that is the sanitary sewer that will serve this development with the extension of a sanitary sewer down 62nd Street and then up Boundary Road. Mr. Rathje pointed out there are also some sanitary sewers in 61st Street from Dunham Road almost to Boundary Road, within Springside south of 61st Street for about a half block distance, and there is also a small section of sewer at Boundary Road on the north side of Springside. The Sanitary District confirmed that Mr. Ponstein's civil engineer has made preliminary contact with them so they know the route that the sanitary sewer extension will have to follow.

Mr. Rathje noted he had covered storm sewer location. They will have to run down Boundary Road to 62nd Street and 62nd Street over to Stonewall and then connect into the storm sewer system that goes down 63rd Street and jogs toward Woodward and eventually empties into Prentiss Creek.

Mr. Rathje indicated if there are any additional questions, he was confident that the Plan Commission would entertain them.

In conclusion, Mr. Rathje advised the Planning Staff would recommend that the Plan Commission forward a positive recommendation to the Village Council for the proposed 8 lot, single family residential subdivision including the recommendation for lot depth exceptions, for the reasons Staff has outlined in its written and in its oral presentation, which is due to the narrow width of the property and to some extent because of the wedge-form shape of the subject property.

With respect to the public improvement exceptions, the Staff would also recommend that this exception request be given a favorable recommendation for the reasons recently covered. Mr. Rathje advised Staff is making this recommendation as the proposed subdivision has been designed in a manner that respects as many of the standards of the Subdivision Control and Zoning Ordinances as possible while still working to fit the characteristic of the neighborhood area and the characteristics of the subject property's development pattern and the public improvement patterns in the surrounding area.

The Staff is making this recommendation as the petitioner has designed a subdivision that respects the Village's Zoning and Subdivision Control Ordinances within the constraints dictated by the existing and surrounding property. The petitioner has presented a plan that provides for adequate roadway and other public improvements and provides lots that have areas, shapes and dimensions which will support reasonable single family residences without the need for any further exceptions or variations in the future.

Mr. Rathje advised that he would be willing to answer any questions from the Plan Commission members.

Chairman Jirik announced that the next step in this evening's proceedings was public participation which is the time for anyone who has any comments or questions regarding the petition to come forward and be heard. Chairman Jirik asked if anyone wished to speak tonight regarding this petition.

Robin Prairie, 6110 Lee Avenue, Downers Grove referred to page five of the findings which states "the northerly line of the Indian Trail School/District 58 Administration Building property...It does not appear that either the District or the neighboring properties will cause 62nd Street to be improved as these properties front either on Stonewall or Boundary Road". Ms. Prairie asked right now "it does not appear"; but what if all of a sudden it does appear and she questioned in which case would the Village improve 62nd Street. Mr. Rathje responded that the Village does not build new streets where they are not needed. Sixty-Second Street was originally dedicated in anticipation of a possible development of the adjoining property to the south. As the adjoining property to the south was assembled by the School District for administrative and school purposes and as the adjoining lots front on and take their access via other streets, all of the properties are served by other streets. The only event that would cause 62nd Street to ever be improved, would be if the School District sold off all that property, and a

developer came in and chose to use 62nd Street as their access at which point the developer would have to pay for the construction of and the extension of that street. Ms. Prairie noted there is some property on Lee Avenue that could theoretically be sold. Mr. Rathje asked if she was referring to the section of Lee Avenue north of Boundary Road. Ms. Prairie indicated that was the area she was referring to, and Mr. Rathje advised her that area would have its access needs served by Lee Avenue. The dimension of those properties are not of such nature as to really support the assemblage for a subdivision. Ms. Prairie stated she did not mean a subdivision as such but rather a building site. Mr. Rathje emphasized that the existing lots on Lee are served by Lee. Ms. Prairie clarified that she was referring to the lots just to the south of the intersection of Lee Avenue and Boundary Road. Mr. Rathje explained there is pavement that already serves the one house in the area and if somebody just wants to extend another short section of pavement to serve one lot, they could do that within the existing right of way. To put in a full street that would not be going any place would be needed. Ms. Prairie asked what would happen if the two lots that are currently inhabited are at some later date purchased for a possible subdivision? Mr. Rathje explained if that were the case, the developer would have to dedicate the other half of the right of way, but the two lots in question are not big enough to support a subdivision. It would take some real acreage to support a subdivision, and the lots that she is referring to are already smaller than the smallest lot the Village would allow to be created. Ms. Prairie asked if he meant a half acre? Mr. Rathje responded 75 feet and noted the Village does not have a half-acre standard. The standard is about a quarter acre, 10,500 square feet. Ms. Prairie noted her lot is a half acre. Mr. Rathje asked if she had more than one lot, and Ms. Prairie responded no. Mr. Rathje noted most of the lots in the area where she indicated her lot was located are about 18,000 square feet or a little less than a half acre. Ms. Prairie asked how much this new subdivision would affect taxes in the area. Mr. Rathje explained a new subdivision generates taxes. Ms. Prairie acknowledged that a new subdivision would generate taxes, but it would also raise taxes for current property owners. Mr. Rathje advised in the distant past, the public often had to pay for some type of public improvement in order to support a new subdivision. In this situation, the subdivider has to pay for all public improvements, and the lots will generate more taxes after development than they would generate before. Development of an adjacent area does not cause additional taxation. Ms. Prairie asked for confirmation that their taxes will not be affected at all. Mr. Rathje responded there would be more taxes paid in order to support the schools and the park district. Ms. Prairie acknowledged that fact. Chairman Jirik asked if there was anyone else who wished to speak.

Ms. Liz Rossignuolo, 6105 Lee Avenue, Downers Grove, advised that two of her questions from the Zoning Board of Appeals were answered this evening, and she thanked Mr. Rathje. Ms. Rossignuolo stated she owns the property on Lee that Ms. Prairie was referring to, and she has no plans to sell this property and subdivide it. However, that has always been a distant thought at some point when the neighborhood does change which it is going to, then they may want to subdivide as they have two lots. Ms. Rossignuolo noted there are much smaller lots in the neighborhood being developed. Ms. Rossignuolo expressed concern as Mr. Rathje had commented that it was unlikely that her property would ever be developed. Ms. Rossignuolo also noted she did not

follow why Mr. Ponstein was asking for an exception from improving Boundary Road. Mr. Rathje asked Ms. Rossignuolo to clarify where her lots are located, and she advised that her lots were north on Lee between the subject site and 61st Street. Mr. Rathje pointed out the lots on the map displayed on the overhead screen. Mr. Rathje explained the right of way for this section of Boundary Road came from the subdivision over on the northwesterly side. If additional right of way were to be dedicated to the north, Ponstein would only have to dedicate a small section. The remainder would have to come off of the lots to the north. Ms. Rossignuolo indicated she was still not clear because Mr. Rathje indicated Mr. Ponstein would have to install sidewalks, storm and sanitary sewers. Mr. Rathje explained Mr. Ponstein would have to install the sidewalk from the north edge of his property down to the southwesterly corner. He is asking not to have to provide additional right of way dedication to widen Boundary Road. The logic behind that is because the area already has a home on it, and it will be served with access by the existing pavement. To widen half of a street with curb and gutters on the southeasterly side, the Village will end up with a half of a roadway improvement and unless the property owners on the other side were to put the other half of the roadway improvement in, a half-way looking type of development would result. To the north, the lots on the westerly or northerly side of Boundary are the ones that have 30 feet dedicated. Mr. Rathje indicates these lots are not of such size or nature, because as they go further north they get shallower and shallower, to be able to dedicate an additional 35 feet of right of way. Then the issue of constructing the roadway improvements is not very likely. He pointed to the triangular lot to the north of Ponstein's land and noted that a lot like this may look large, but by the time you try to divide it up there is nothing left when all the setbacks are taken away from being able to be built upon. Mr. Rathje emphasized that the likelihood of there being the fabric of land that would support significant redevelopment such as this evening's petition is extraordinarily remote. In order to support the roadway improvements you have to get quite a few lots out of a subdivision to be able to pay for the curbs, gutters, stormwater, storm sewers, etc. The likelihood of that happening in this area is very slim and to start off a roadway improvement for just a short distance and then not ever complete the roadway is not good planning practice. Ms. Rossignuolo noted that is what was done on Springside.

Mr. Rathje asked Ms. Rossignuolo if she was talking only about sidewalks or was she also talking about curbs, gutters, etc. Ms. Rossignuolo responded "whatever". Mr. Rathje clarified that Mr. Ponstein has agreed to put in sidewalks because that is something that will be of immediate use. The likelihood of extending a full width street to current standards; curb, gutters, etc., from 62nd Street north is not very likely given the size and shape of the properties. To have this development widen Boundary Road to a full width street in front of this property and then have a very remote possibility of the full width ever being extended because no one is going to pick up those expenses if the residents do not pick them up is not good planning practice. The Village is not in the business of building new streets. Once the street is built by a developer, the Village maintains or reconstructs the street. With regard to the country-style roadways, it is status quo.

Ms. Rossignuolo noted that residents in this area who hooked up to Village water had to sign preannexation agreements. She asked what would happen when these properties are annexed. Will the Village then require that sidewalks, curbs, gutters, etc. be installed. Mr. Rathje advised that Lee Avenue South of Ogden Avenue, the Burlington Highlands area and Fairmount Avenue south of 55th Street are just some of the areas where Downers Grove has block after block after block of country-style roadway. The options for a municipality like Downers Grove that has a real mixed bag of types of roadway improvements are really one of two things. The Village can accept that there are different styles of development within the Community and then maintain the roadway improvements in the neighborhoods according to the type of improvement that they have. In areas that are improved with full curbs and gutters, etc., the residents paid for those improvements one way or another. They paid for them in the form of buying those improvements as part of the package when they bought their home. They paid for full public improvement as pass-through from what the developer paid. The other way, which is something our Village Council has not done since maybe the 1960's, is to do a special assessment. Mr. Rathje emphasized that for the past 30 years the Village Council has not imposed special assessments for residential streets like in this area. Their philosophy is that people bought their homes on a country-style roadway. The Village will maintain that country-style roadway and keep it in good shape, but the Village will not come in and have all the rest of the Village pay for it thus subsidizing some residents at the expense of other residents, nor will they force it down the residents' throat in the form of a special assessment. Mr. Rathje commented special assessments oftentimes can make the difference of making or breaking a person's ability to own their property. Mr. Rathje pointed out the only places where the Village has done anything like a special assessment and on a very limited basis is where everybody in a little neighborhood wanted it. As an example, he pointed out the brick street area of the Village. People wanted to pay the added cost of maintaining their streets as brick streets, and the residents in that area came to the Village and voted for the brick streets. They wanted to maintain the brick streets which is much more expensive to maintain than asphalt. Those residents were willing to be taxed for such maintenance.

Ms. Rossignuolo noted one of the concerns of a neighbor who was present at the Zoning Board of Appeals meeting but is not present this evening was whether or not the Village would make people hook up to the sanitary sewers. Mr. Rathje explained the Downers Grove Sanitary District is a separate governmental entity from the Village of Downers Grove and has its own elected officials. Typically they only extend sanitary sewer lines in a neighborhood by one of two ways; one, the way that Mr. Ponstein is doing it. He gets to write the check and pay for the sanitary sewer to be extended; the other is through a special assessment but before a special assessment by the Sanitary District would be done, it would have to be agreed to by the people in the area. If there is an area where a large number of septic fields fail, the DuPage County Health Department may step in and may have to force an issue.

Mr. Rathje acknowledged that he had not seen it happen too often, but it is possible. The Health Department may step in and tell a property owner that they must hook on to sanitary sewers otherwise they may not be able to continue to live in their home. In

theory in certain areas, things could get bad enough that you may not continue to be able to live in your home without causing a public health nuisance. Ms. Rossignuolo noted unless that happens most of the property owners in the area still on septic are not going to be required to hook up.

Chairman Jirik commented all the Plan Commission is considering this evening is this particular piece of land, and it has no impact or jurisdiction on anything else. What is being determined this evening is what will be done with this particular parcel of land. This subdivision is proposed under a more rigorous or thorough and comprehensive review process because it is proposed to be changed. The Plan Commission is holding this hearing because the proposal is being made to make a change. Chairman Jirik indicated he sensed all Ms. Rossignuolo wanted to know about was whether or not she could bring her property into the Village and what would happen when it comes into the Village. That is a little different than what you will be seeing in terms of the rigor and all of the review for the proposed subdivision. There are no public hearings by the Plan Commission in order to execute a Pre-Annexation Agreement. With regard to Boundary Road, the proposed subdivision sends a message that there is a style of roadway in the area and the plan is to maintain that style. Ms. Rossignuolo asked if whatever is approved for this site will set the standard for what will then be approved in the future. Chairman Jirik commented to approve curbs and gutters for one parcel of land and then not approve them for an adjoining parcel would be bizarre. Chairman Jirik noted there is a contrast between what is a significant project and any individual owner saying he wants to annex his property into Downers Grove.

With regard to the property at 61st and Springside, Mrs. Reynolds recalled when that land was developed the man bought the property and wanted very much to put in curbs and gutters, and the Village said no, it was not in keeping with the area. Mr. Rathje commented that would have been a point where the developer felt he could market to the people who would want to have the more traditional roadway but that was not necessarily consistent with that area and as such consideration was given to that.

Chairman Jirik asked if there was anyone else who wished to speak.

Nancy Zschau, 6106 Lee Avenue, Downers Grove, noted that her husband brought up the subject of increased traffic in the area at the Zoning Board of Appeals. She stated that Mr. Rathje made a comment about how Boundary Road has sufficiently served the neighborhood. There were three homes on Boundary which is a very narrow street. Mrs. Zschau pointed out if anybody has ever tried to make a left-hand turn off of Boundary onto 61st, you know what a difficult problem that is. Their concern is that there are approximately ten homes south of 61st Street on Lee and from Boundary Road to 61st Street that have used those streets. Adding another eight homes will be doubling the amount of cars coming through there. Her concern is for the safety of the children walking to school. Mrs. Zschau indicated she understood that Mr. Ponstein is talking about putting in sidewalks on Boundary Road, but we are talking about a very small amount of sidewalk area so the kids will still be walking down Boundary Road with added traffic and also walking down Lee with added traffic.

Mrs. Reynolds asked Mrs. Zschau if most of her concern was with regard to traffic on Boundary Road. Mrs. Zschau clarified her concern is for traffic on Lee. With Boundary Road being a narrow street as it is, the added traffic from these new homes will primarily be using Lee Avenue. They will not be using Boundary Road. There are poor sight clearances at 61st and Boundary due to trees making it difficult to see traffic coming east on 61st Street.

Chairman Jirik asked Mrs. Zschau if there were particular areas she was concerned about with regard to the children. Mrs. Zschau responded basically the children have always come down Lee or Boundary to get to the trail that leads down to Indian Trail School. There is no paved road on 62nd Street. Mrs. Zschau noted her children are all grown now, but one of the reasons they moved into this area was because they wanted a home on a dead-end street with a school, and it worked out great for them. Today, she is thinking of all the children that are still using that facility. Mrs. Zschau recalled her husband previously pointed out eight homes probably means 16 cars plus friends and family who come to visit. There will be quite a bit of traffic coming through the area. Chairman Jirik asked if there was anyone else who wished to speak tonight.

John Duever, 6102 Lee Avenue, Downers Grove noted that most of his questions had been answered. He is concerned about the street itself during construction and afterward. Lee and Boundary are both in an unincorporated area and are maintained by Downers Grove Township. The new street being installed will be maintained by the Village of Downers Grove. He envisions problems with everyone saying they didn't get it dirty, etc. Mr. Duever pointed out most of the construction traffic will come down Lee Avenue which is maintained by Downers Grove Township. Mr. Rathje explained when the property is annexed the Village annexes to the far side of the right of way for that section of Boundary Road. The practical answer is if somebody gets a Township road dirty, the Village will go after the developer. The reality is if it gets to an issue where it gets ugly, a County Sheriff will issue tickets for the unincorporated section of the roadway because the Village of Downers Grove does not have ticketing jurisdiction. Mr. Rathje pointed out the Village is not hesitant or shy; we know if dirt is coming from a construction site, it is the builder's responsibility to clean it up. Mr. Rathje pointed out the Village has worked with this developer frequently over the years and has not had many problems like that with him. Mr. Rathje noted because of its irregular boundaries the Village of Downers Grove has working relationships with four townships; York, Milton, Lisle and Downers Grove Township and all four of the township highway commissioners. When it comes to snow plowing, sometimes the Township will take a little section of our roadway because it is logical and sometimes the Village will take a little section of theirs because it is logical. The Village's Public Works Department annually updates the snow plowing routes.

Mr. Duever asked whether or not the land to the south of the site is a wetland? He asked if it is a wetland, does that mean it is not buildable? Mr. Duever indicated he has heard rumors that it is going to be built. Mr. Rathje responded that there is a developer who is interested in developing that property. Wetland rules and regulations are of significant

complexity above and beyond normal public improvements and zoning rules and regulations. If the developer of the property to the south is able to come up with a scheme of development that satisfies the State and Federal wetland rules and regulations, perhaps it will be allowed to be developed. If the developer cannot satisfy the wetlands rules and regulations, perhaps the developer will not be allowed to develop that area. Mr. Rathje stated at this point he cannot say yes or no with regard to this possible development. Mr. Rathje pointed out only a portion of that lot is in wetland. The Village has worked with wetlands before. In some cases, the wetlands are of such nature that part of a piece of property is essentially undevelopable. In other situations depending on how the wetland inventory comes out with the wetland experts, the Corps of Engineers, DuPage County Environmental Concerns, people have been allowed in certain circumstances to eliminate wetlands in one place and rebuild them someplace else or add on to a bigger wetland.

Chairman Jirik noted wetlands are not only the Village's jurisdiction; they are also regulated by the Federal Government.

With regard to Mr. Duever's concern about 62nd Street, Chairman Jirik commented the Village has a number of roadways shown on the books as streets even though they have not been improved. Chairman Jirik recalled the Plan Commission has heard many petitions from residents asking that the roadway right of ways be vacated to their property. If 62nd Street is a major concern to the neighbors, there is nothing that precludes the neighbors from pursuing a right of way vacation. Mr. Rathje clarified that Mr. Duever himself could not request a vacation of the 62nd Street right of way. Downers Grove Grade School District No. 58 or any of the other owners adjoining the right of way are the only ones who could pursue a right of way vacation. Chairman Jirik noted right now the neighbors have a nice green space for which they do not pay taxes. If the right of way is vacated to the adjoining property owners, each property owner will pay taxes for their share of the former right of way.

Chairman Jirik stressed that a developer would have to see an economic incentive to pursue a subdivision and do the public improvements to make 62nd Street a functioning roadway. Mr. Rathje has already indicated in his professional judgment that it is very unlikely that making 62nd Street a roadway would be economically viable.

Mr. Rathje suggested that Mr. Duever call him on the phone if he wants to further discuss the lot he referenced on Springside.

Chairman Jirik told Mr. Rathje that he had been doing some "back of the envelope calculations" with regard to trip generation from each of the proposed homes. He indicated he used a factor of four which may be high. Mr. Rathje responded for a single family home it usually is about eight trip ends or four round trips per day. Chairman Jirik asked Mr. Rathje if his recollection of peak hour as 20% of the total trip generation was accurate, and Mr. Rathje responded it was in the ballpark. Chairman Jirik stated if you look at eight homes and use standard engineering calculations, you might project on a 24 hour basis a total of 64 movements, but in the peak hour you might get as much as 20%

which initially sounds like a large number, but that would be 12 cars in an hour or about one car every five minutes. Chairman Jirik acknowledged that is more traffic than is currently experienced in the area. Chairman Jirik indicated he was bringing up these calculations to better quantify the safety concern that was raised earlier.

Chairman Jirik asked if there was anyone else who had not yet spoken who wanted to speak on these issues. The Plan Commission always gives everyone an opportunity to speak before allowing an individual to speak a second time.

Mr. Ponstein pointed out there would only be a net gain of six houses on that property as there are currently two homes there. Chairman Jirik pointed out this would reduce his calculations by 25%, so at the peak hour there would be a vehicle approximately every ten minutes. Off-peak, there might be one car an hour or zero.

Chairman Jirik next asked if there were any people who had spoken earlier who wished to speak a second time on a new issue.

Robin Prairie, 6110 Lee Avenue, Downers Grove, stated her question was with regard to traffic. The lovely people here at the Plan Commission have not figured out a way to keep the night traffic from realizing Lee Avenue is a dead end. How will any other kind of traffic be regulated? There is a lot of traffic on Lee Avenue all night long. She estimated the cars are traveling at least 50 miles per hour and you can hear the brakes as the drivers realize they cannot get through the school lot. Consequently, they have to turn around and then they really speed up Boundary because they are angry. Chairman Jirik noted he lives on a cul-de-sac, and he is of the opinion that this is a world-wide problem. Chairman Jirik asked Staff to make sure as much appropriate speed control and dead-end street signage as possible is posted.

Ms. Prairie referred to the wetlands on the property to the south of the petitioner's land as a bog and asked how many construction vehicles does the Village want to sink into it? She asked how deep the bog is. Mr. Rathje pointed out that the wetland property is not the subject of this evening's proceedings. The size of the wetland would have to be determined at the time the wetland studies are done.

Ms. Prairie recalled when the hospital was constructed the contractor thought a big construction tractor had been stolen, and it was found sunken 20 feet down in the ground.

Chairman Jirik asked if there were any further comments. There was no response, and Chairman Jirik closed the public participation portion of the hearing.

Chairman Jirik next asked if there were any questions or comments from the Plan Commission members.

Mr. Waechtler referred to the last sentence in the third paragraph of Mr. Jungwirth's memo of April 25, 2001 which states "Although not specifically analyzed, soils are believed to be suitable for construction purposes" and asked how does the Village

normally determine the suitability of the soil? Are soil samples or cores taken? He asked if the developer does this or are we just assuming the soil is suitable. Mr. Rathje advised typically that is part of the developer's preliminary information. There is no obvious indicator. Mr. Rathje commented he thought what Mr. Jungwirth was trying to do was offer the Plan Commission some additional information. Mr. Jungwirth's observation was positive, not negative. As part of the review process, the developer will get results from the Kane-DuPage Soil & Water Conservation District, but the most important element is going to be when they actually start excavating because that is the only certain means for them to know specifically what they have. Even with an adequate number of core samples, they may still find a surprise.

Mr. Waechter asked Mr. Ponstein in his previous experience in the Downers Grove area has he found any surprises with the soil. Mr. Ponstein responded yes with some sites, but he was not concerned about this site. Mr. Rathje recalled a subdivision approximately one mile from this location where there was no problem with 15 lots, but on the 16th lot they hit some very bad soil and they had to put in approximately six very large dump trucks of gravel after they removed the organic soil. Mr. Rathje noted this is a glaciated area and you will find soils like that.

Mr. McCormick asked for confirmation that this is a tentative plat and the developer will have to come back to the Plan Commission for final plat approval. Mr. Rathje advised this is a tentative plan, and the engineering will be much further along by that time and the final plat will be presented to the Plan Commission. Because of the nature of the subdivision, Mr. Ponstein chose to do the tentative plat approval first rather than go directly to final plat approval.

Chairman Jirik asked if there were any other further questions from the Plan Commission members. There was no response and Chairman Jirik asked for a motion.

MOTION: WITH RESPECT TO FILE NO. 1059 – TENTATIVE PLAT APPROVAL OF THE BOUNDARY HILL SUBDIVISION, MR. MCCORMICK MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR AN EIGHT LOT, SINGLE FAMILY RESIDENTIAL SUBDIVISION INCLUDING A POSITIVE RECOMMENDATION FOR THE REQUESTED LOT DEPTH EXCEPTIONS WHICH ARE MADE NECESSARY DUE TO THE NARROW WIDTH AND TO SOME EXTENT TO THE WEDGE FORM SHAPE OF THE SUBJECT PROPERTY. IN ADDITION, THE PLAN COMMISSION IS ALSO FORWARDING A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE REQUESTED ROADWAY IMPROVEMENT EXCEPTION WHICH IS BROUGHT ABOUT DUE TO THE PUBLIC IMPROVEMENT DEVELOPMENT PATTERN IN THE SURROUNDING AREA. THE PLAN COMMISSION IS MAKING THESE RECOMMENDATIONS AS THE PETITIONER HAS

DESIGNED THE SUBDIVISION TO RESPECT THE VILLAGE'S ZONING AND SUBDIVISION CONTROL ORDINANCES WITHIN THE CONSTRAINTS DICTATED BY THE EXISTING PROPERTY. THE PETITIONER HAS PRESENTED A PLAN THAT PROVIDES FOR ADEQUATE ROADWAY AND OTHER PUBLIC IMPROVEMENTS AND PROVIDES LOTS THAT HAVE AREAS, SHAPES AND DIMENSIONS WHICH WILL SUPPORT REASONABLE SINGLE FAMILY RESIDENCES WITHOUT THE NEED FOR ANY FURTHER EXCEPTIONS OR VARIATIONS IN THE FUTURE. MRS. REYNOLDS SECONDED THE MOTION.

Chairman Jirik asked if there were any questions or clarifications on the motion. Mr. McCormick asked if he needed to amend the motion to include the school and park district donations, and Mr. Rathje responded that would be addressed at the time of final plat approval. Chairman Jirik next asked if there was any discussion regarding the motion as presented. There was no response.

ROLL CALL:

AYE: Mr. McCormick, Mrs. Reynolds, Mr. Matejczyk, Mr. Waechtler, Chairman Jirik

NAY: None

The motion passed unanimously.

Chairman Jirik noted this is a recommendation to the Village Council and the Mayor for preliminary plat approval. There will be another proceeding some time in June where the Mayor and the Village Council will discuss approval of the preliminary plat. If anyone has interest in following this petition as it proceeds through Village government, the Village Council Workshop agendas are published in the Village Corner section of the Friday edition of the Downers Grove Reporter. Staff can also be contacted for the specific date when this petition will be scheduled.

Chairman Jirik thanked the members of the audience for their thoughtful questions.

FILE NO. 1060 FINAL PLAT APPROVAL – SCHWEMM SUBDIVISION;
Property located on the east side of Turvey Road Court,
approximately 180 feet south of Turvey Road, commonly known
as 2 Turvey Lane, Downers Grove, IL (PIN 09-07-404-010); John
B. Schwemm, Owner; Herbert Bell, Petitioner

Chairman Jirik asked if a representative of the petitioner were present.

Herbert Bell, Downers Grove attorney and resident of Downers Grove stated he represents Mr. Schwemm and recalled that they were before the Plan Commission some

FILE NO. 1059

TENTATIVE PLAT APPROVAL – BOUNDARY HILL SUBDIVISION; Property is located southeast of the intersection of Lee Avenue and Boundary Road, commonly known as 6103 Lee Avenue (PIN 09-18-308-004) and 1699 Boundary Road (PIN 09-18-308-003), Downers Grove, Il; Cassandra, William L. and Raymond J. Ponstein, Owners; William L. Ponstein, Petitioner

FINDINGS:

1. The petitioner is seeking tentative subdivision plat approval for an eight lot, single family residential subdivision of the subject property which is located generally to the east of Boundary Road at Lee Avenue. This petition is being sought in conjunction with a pre-annexation zoning petition that was considered and unanimously recommended for approval by the Zoning Board of Appeals at its April 25, 2001 regular meeting. The petitioner is seeking R-3, single family residential zoning upon annexation. The proposed subdivision is being pursued contingent upon the annexation of the property into the Village, and it being rezoned to R-3.
2. The subject property is a somewhat wedge-shaped parcel of land made up of two lots each of which have a residence and a detached garage. The existing structures are to be razed in the event that the proposed subdivision is approved. The overall parcel has a frontage along Boundary Road, which is the property's west lot line, of 389.50 feet, an east to west depth along the property's south line of 545.19 feet, which is made up of three line segments, a depth as measured along the property's north line of 264.05 feet and a width as measured along the east property line of 300 feet. The subject property has a total area exclusive of the Boundary Road right of way of approximately 2.75 acres or approximately 119,790 square feet.
3. Based upon an R-3, single family residential zoning, the minimum lot width is to be 75 feet, and the minimum lot area is to be 10,500 square feet. In addition, the Subdivision Control Ordinance has a minimum lot depth requirement for newly subdivided lots of 140 feet. These minimums are based upon the resulting lots being serviced both by municipal water and by sanitary sewers which are available and which are to be extended as part of this subdivision.
4. The petitioner's tentative plat depicts that the proposed subdivision is to be configured around a new cul de sac'd street that is being referred to as Boundary Court. This street will run on an east to west axis and will have a length of approximately 250 feet as measured along centerline between the easterly line of Boundary Road on the west to the east curb line of the pavement on the east.

5. With respect to the proposed lots, they are to have lot areas that will range between 10,575 square feet for proposed Lots 6 and 7 and 15,387 square feet for proposed Lot 4. All of the lots will exceed the minimum 10,500 square foot lot area requirements of the proposed R-3, single family residential zoning district.

With respect to lot dimensions, there are several dimensional exceptions for which the petitioner is seeking approval. The petitioner is of the opinion that the exceptions are necessary due to shape and dimensional restraints of the subject parcel. Specifically, the petitioner is requesting lot depth exceptions as follows: with respect to proposed Lot 1, a depth exception has been requested along its northerly line which has a dimension of 129.39 feet. It should be noted that this lot has a depth as measured along its south line of 140.36 feet; a lot depth exception for proposed Lot 2 is being sought as it has a lot depth along its westerly line of 94.70 feet although the southeasterly side lot line has a length of 144.35 feet and the maximum lot depth is in excess of 150 feet; with respect to proposed Lot 3 which sits at the end of the cul de sac, a lot depth exception is requested as this lot has a depth as measured at its shallowest point of 113 feet; with respect to proposed Lot 4, a lot depth exception is requested along the northerly line which is its shallowest depth at 123.27 feet, although the majority of this lot has a depth of in excess of 140 feet and finally with respect to proposed Lot 5, a lot depth exception is requested as the lot has a depth at its shallowest point of approximately 110 feet at the apex of arc of the cul de sac right of way.

6. With respect to public improvements, the petitioner's plans propose to make full public improvements for the proposed new roadway referred to on the plat as Boundary Court. With respect to Boundary Road, the petitioner is proposing to extend sidewalks along the full frontage of the property; however, no other roadway improvements have been proposed, and the petitioner is, therefore, seeking relief from having to satisfy other public improvements to Boundary Road including right of way dedication, pavement widening, curbs, gutters, street lights, etc. The petitioner is proposing to extend the sidewalks as the right of way leads to the north line of the Indian Trail School property, and the petitioner is of the belief that sidewalks will be of benefit to the neighborhood children who attend this school. The petitioner has requested that no other improvements be made due to the limited possibility for the road to be extended in any manner resembling full width public improvements. This position was taken based upon the development patterns in the area as can be determined from the attached drawings and aerial photos.
7. With respect to stormwater management and public improvements, Mr. Jungwirth has provided a memorandum a copy of which is attached. More specifically, Mr. Jungwirth has pointed out that as the property has an area of less than three acres and as the subject property has excellent drainage, Mr. Jungwirth has pointed out that the petitioner's drainage plan is at a preliminary stage, but that it is fundamentally sound and can be approved. If this approach is pursued, there will

be a requirement for the petitioner to make a payment to the Village in lieu of providing stormwater detention as provided for by the Municipal Code.

8. As the petitioner has requested lot depth exceptions for proposed Lots 1-5 from the 140 foot lot depth standard to reduced depths as noted above and as the petitioner is seeking exceptions from the required roadway improvements to Boundary Road except at the intersection adjacent to Boundary Court and Lee Avenue and (except for sidewalks which are to be installed), as such improvements are specified under the provisions of Sections 20-401 including but not limited to right of way width, street pavement width, and from the requirements of Section 20-303(d)(3) regarding street right of way width and street pavement width, the exceptions requested by the petitioner must be considered under the provisions of Sec. 20-602 of the Village's Subdivision Control Ordinance. Section 20-602(a), states that: "...the Plan Commission may consider and recommend and the Council may grant, exceptions from the requirements of this Chapter as set forth herein. (b) Exceptions may be granted only in specific cases where such exceptions do not alter the general plan and spirit of this Chapter and where the Council determines that a requested exception does not adversely impact the public health, safety and welfare."

The Ordinance provides five measures found under Section 20-602(c) to help to determine if the conditions which are described above are present so that an exception can be considered to be granted. The Planning Staff has reviewed these conditions and has made the following observation according to these conditions

With respect to the requested lot depth exceptions, the conditions and the Staff's findings are as follows:

- (1) **THE EXTENT TO WHICH THE PROPOSED EXCEPTION IMPACTS ON THE VALUE OR REASONABLE USE OF SURROUNDING PROPERTIES;**

The proposed lot depth exceptions should not have any negative impact either on the value or the reasonable use of surrounding properties. It should further be noted that the granting of the requested depth exception would have no bearing on the petitioner's responsibility to provide the required rear yard setback nor would the reduced lot depth have any impact regarding how neighboring property owners might choose to use their properties.

- (2) **WHETHER THE EXCEPTION IS CONSISTENT WITH THE TREND OF DEVELOPMENT IN THE AREA AND THE SURROUNDING USES;**

The trend of development in the immediate area, much of which was subdivided in 1924, favors rectilinear lots; however, more recent subdivisions which have included cul de sac streets with the associated cul de sac lots have resulted in lots with lot depths similar to

those being proposed in this subdivision. Representatives of similar lots may be found adjacent to Plymouth Court, Hillcrest Road and Hillcrest Court.

(3) THE CHARACTERISTICS OF THE PROPERTY WHICH SUPPORTS OR MITIGATE AGAINST THE GRANTING OF THE EXCEPTION;

The primary characteristic of the subject property which has necessitated the requested lot width exception is the relatively narrow parcel width of 300 feet and the rather severe diagonal westerly lot line along with the fact that the development of the subject property favors the new roadway to be terminated with a cul de sac. In order for a subdivision to be in full compliance with respect to lot depth and full width street right of way, a property would have to start off with a minimum width of 350 feet. The dimensions and shape of this property would preclude the development of the subject property in the form proposed without approval of the requested exception.

(4) WHETHER THE EXCEPTION IS IN CONFORMANCE WITH THE GENERAL PLAN AND SPIRIT OF THIS CHAPTER;

The granting of lot depth exceptions in the amount requested by the petitioner will in no way damage or reduce the developability of the resulting lots. All of the resulting lots exceed the minimum lot area requirements and are configured in a manner that will support substantial residences without the need for any other variances or exceptions.

(5) WHETHER THE EXCEPTION WILL ALTER, OR BE CONSISTENT WITH, THE ESSENTIAL CHARACTER OF THE LOCALITY;

The requested depth exceptions, if granted, will not be detrimental to the essential character of the locality. Although lot depth exceptions are being sought, the resulting lots should not be considered to be out of character with the development in the surrounding area as these lots will support considerable sized houses without any significant limitations. It may further be of interest to note that the proposed lots are to be located on a cul de sac'd street which tends to further isolate these lots from the surrounding area.

10. With respect to the roadway right of way and the street improvement exceptions as they would apply to Boundary Road, the Staff has made the following findings under the requirements for exceptions specified in the Subdivision Control Ordinance as follows:

(1) THE EXTENT TO WHICH THE PROPOSED EXCEPTION IMPACTS ON THE VALUE OR REASONABLE USE OF SURROUNDING PROPERTIES;

The Staff is of the opinion that the petitioner's request for exceptions from certain roadway improvements will not have any negative impact either to the value or reasonable use of surrounding properties. With respect to the northeasterly leg of

Boundary Road, the lots that are located on the northwesterly side of Boundary Road were the source of the existing right of way. All these lots front on Lee Avenue and take their access either via Lee Avenue or in the case of the northerly-most lot it takes its access from 61st Street. In the case of the lots on the southeasterly side of the northeasterly leg of Boundary Road, these lots are of such size and configuration and are sited with houses in such a manner as to preclude a reasonable extension of the roadway at a full width and still maintain buildable lot sizes. The lots located adjacent to the northeasterly leg of the roadway are served by an existing pavement which has proven to be workable.

With respect to the southwesterly leg of Boundary Road, this section of roadway terminates into the dedicated but unimproved section of 62nd Street which in turn bounds the northerly line of the Indian Trail School/District 58 Administration Building property. It does not appear that either the District or the neighboring properties will cause 62nd Street to be improved as these properties front either on Stonewall or on Boundary Road.

(2) WHETHER THE EXCEPTION IS CONSISTENT WITH THE TREND OF DEVELOPMENT IN THE AREA AND THE SURROUNDING USES;

The petitioner's requested exception from roadway improvements to Boundary Road reflect the nature of development in the area and also reflect the likely development patterns of this area in the future, given the current conditions and likely future conditions.

(3) THE CHARACTERISTICS OF THE PROPERTY WHICH SUPPORTS OR MITIGATE AGAINST THE GRANTING OF THE EXCEPTION;

The characteristic of the subject property which supports the requested exception is its location and the current improvements and current right of way dedications which have been made in the past and which are likely or not likely to be made in the future.

(4) WHETHER THE EXCEPTION IS IN CONFORMANCE WITH THE GENERAL PLAN AND SPIRIT OF THIS CHAPTER;

The granting of the requested exception should have no negative impact on the adequacy of public improvements as the existing public improvements have functioned in an adequate manner and as the proposed subdivision will have appropriate access via current improvements to Boundary Road and in Lee Avenue

(5) WHETHER THE EXCEPTION WILL ALTER, OR BE CONSISTENT WITH, THE ESSENTIAL CHARACTER OF THE LOCALITY;

The Staff is of the opinion that this measure has been covered adequately by comments and observations offered under the preceding measures.

RECOMMENDATION:

The Planning Staff would recommend that the Plan Commission forward a positive recommendation to the Village Council for the proposed 8 lot, single family residential subdivision. This recommendation includes a positive recommendation for the requested lot depth exceptions which have been made necessary due to the relatively narrow width and to some extent because of the wedge-form shape of the subject property and further that a positive recommendation be forwarded to the Village Council regarding the requested roadway improvement exception which have been brought about due to the development pattern and public improvement patterns in the surrounding area.

This Staff is making this recommendation as the petitioner has designed a subdivision that respects the Village's Zoning and Subdivision Control Ordinances within the constraints dictated by the existing property. The petitioner has presented a plan that provides for adequate roadway and other public improvements and provides lots that have areas, shapes and dimensions which will support reasonable single family residences without the need for any further exceptions or variations in the future.

KJR:amd
Attachments

04/27/01

VILLAGE OF DOWNERS GROVE

DEPARTMENT OF CODE SERVICES STORMWATER MANAGEMENT DIVISION INTERDEPARTMENTAL CORRESPONDENCE

DATE: April 25, 2001

TO: Ken Rathje, Director, Planning Services Department

FROM: Robert Jungwirth, Village Engineer

SUBJECT: Preliminary Drainage Plan: Boundary Hill Subdivision

The Public Works and Code Services Departments have completed their review of the preliminary drainage plan for the above referenced development located on the south side of Boundary Road at Lee Avenue. This plan was found to be in substantial compliance with the requirements of the Village's Subdivision Ordinance.

The Boundary Hill Subdivision is approximately 2.75 acres in size and located within the Prentiss Creek watershed. Drainage is excellent; the property falls from north to south at an average slope of four percent.

There are no apparent depressional "pockets" where stormwater runoff or groundwater stands. The parcel is absent of floodplain, wetlands or any riparian environments. Subsurface drainage tile is always a possibility on rural land of this sort, however none has been visually detected or recorded on any plats. Although not specifically analyzed, soils are believed to be suitable for construction purposes.

Offsite upstream properties contribute no more than a couple of acres of runoff. Downstream of the proposed subdivision is vacant land that flattens out and becomes a regulatory wetland. The area then drains into a Village storm sewer on the Indian Trail school grounds that eventually discharges into Prentiss Creek where it passes beneath Woodward Avenue.

At this time the drainage plan is truly at a preliminary stage. Pending more detailed analysis there are two aspects of the drainage scheme that may be revised.

Initially, the design engineer, Rynear & Son proposed on-site stormwater detention in the rear of the lots on the south side of Boundary Court. Since there is no definitive swale crossing into the downstream property, discharge would be spread out over several lots using a perforated pipe parallel to the south line of the subdivision.

Staff was concerned that this "infiltration style" system would prove to be a maintenance nuisance for the owners (both onsite and offsite). Given that the project is smaller than the County threshold of three acres for single-family developments, we reasoned that a payment in lieu of pond construction may be preferable.

Secondly, there is the matter of the offsite wetland. It is possible that the diversion of stormwater via the proposed storm sewer on Boundary Court and Sixty-second Street to Stonewall Avenue may adversely affect that particular special management area. I would submit for further consideration the installation of a low flow outfall to the south that would sustain the existing hydrologic characteristics of the area.

In any case, the preliminary drainage plan is fundamentally sound and can be approved. These modifications can be studied and if desired, included in the final engineering design.

Cc: Jack Bajor, Director of Public Works
Dave Conley, Assistant Director of Public Works
Don Rosenthal, Director of Code Services